



Foster Children (Scotland) Act 1984

1984 CHAPTER 56

Proceedings

- 11 Appeal to sheriff against requirement or prohibition imposed under section 9 or 10.**
- (1) A person aggrieved by a requirement imposed under section 9, or by a prohibition imposed under section 10, may appeal to the sheriff within 14 days from the date on which he is notified of the requirement or prohibition; and where the appeal is against a requirement imposed under section 9, the requirement shall not have effect while the appeal is pending.
 - (2) Where the sheriff allows an appeal under subsection (1), the sheriff, instead of cancelling the requirement or prohibition—
 - (a) may vary the requirement or allow more time for compliance with it; or
 - (b) if an absolute prohibition has been imposed, may substitute for it a prohibition on using the premises after such time as the sheriff may specify unless such specified requirements as the local authority had power to impose under section 9 are complied with.
 - (3) Any requirement or prohibition specified or substituted under this section by the sheriff shall be deemed for the purposes of this Act, other than this section, to have been imposed by the local authority under section 9 or, as the case may be, section 10.
- 12 Removal of foster children kept in unsuitable surroundings.**
- (1) If the sheriff is satisfied, on a complaint of a local authority, that a foster child is being kept or is about to be received—
 - (a) by any person who is unfit to have his care, or
 - (b) in contravention of section 7 or of any prohibition imposed by a local authority under section 10, or
 - (c) in any premises or environment detrimental or likely to be detrimental to him,

Changes to legislation: There are currently no known outstanding effects for the Foster Children (Scotland) Act 1984, Cross Heading: Proceedings. (See end of Document for details)

the sheriff may make an order for his removal to a place of safety until he can be restored to a parent, relative or guardian of his or until other arrangements can be made with respect to him.

- (2) On proof that there is imminent danger to the health or well-being of the child, the power to make an order under this section may be exercised by a justice of the peace acting on the application of a person authorised to visit foster children.
- (3) An order under this section made on the ground that a prohibition of a local authority under section 10 has been contravened may require the removal from the premises of all the foster children kept there.
- (4) An order under this section may be executed by any person authorised to visit foster children or by any constable.
- [^{F1}(5) For the purposes of section 25 of the Children (Scotland) Act 1995 (and for the reason mentioned in subsection (1)(c) of that section) a child removed under this section shall be regarded as requiring accommodation.]
- (6) Where a child is removed under this section, the local authority shall, if practicable, inform a parent or guardian of the child, or any person who acts as is guardian.

Textual Amendments

- F1** S. 12(5) substituted (1.4.1997) by 1995 c. 36, s. 105(4), **Sch. 4 para. 35(5)**; S.I. 1996/3201, **art. 3(7)** (as amended by S.I. 1997/744, **arts. 2, 3**)

13 Search warrants.

A refusal to allow the visiting of a foster child or the inspection of any premises by a person authorised to do so under under this Act shall be treated, for the purposes of [^{F2}[^{F3}36 of the Children's Hearings (Scotland) Act 2011 ([asp 1](#))](child assessment orders) as giving the local authority reasonable cause for the suspicion mentioned in subsection [^{F4}(2)(a)] of that section.]

Textual Amendments

- F2** Words in s. 13 substituted (1.4.1997) by 1995 c. 36, s. 105(4), **Sch. 4 para. 35(6)**; S.I. 1996/3201, **art. 3(7)** (as amended by S.I. 1997/744, **arts. 2, 3**) (which substitution fell (1.8.1997) by 1997 c. 48, s. 62(1)(2), **Sch. 1 para. 19(3)(d)**, **Sch. 3**; S.I. 1997/1712, art. 3, **Sch.**) and those words substituted (1.8.1997) by virtue of 1997 c. 48, s. 62(1), **Sch. 1 para. 11**; S.I. 1997/1712, art. 3, **Sch.**
- F3** Words in s. 13 substituted (24.6.2013) by The Children's Hearings (Scotland) Act 2011 (Modification of Primary Legislation) Order 2013 (S.S.I. 2013/211), art. 1, **Sch. 1 para. 5(3)(a)**
- F4** Words in s. 13 substituted (24.6.2013) by The Children's Hearings (Scotland) Act 2011 (Modification of Primary Legislation) Order 2013 (S.S.I. 2013/211), art. 1, **Sch. 1 para. 5(3)(b)**

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